

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

RICHTONE DESIGN GROUP, LLC

Plaintiff,

v.

Mary Sullivan KELLY and TRUE PILATES  
BOSTON LLC

Defendants/Counter-Plaintiffs/  
Third-Party Plaintiff

v.

RICHTONE DESIGN GROUP, LLC  
and Sean GALLAGHER

Counter-Defendant and  
Third-Party Defendant

Case No. 7:22-cv-01606-KMK-AEK

**PLAINTIFF'S SECOND SET OF**  
**REQUESTS FOR ADMISSION**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiffs/Counter-Defendant/Third-Party Defendant hereby request that Defendants/Counter-Plaintiffs/Third-Party Plaintiff provide written answers to each of the following requests for Admission within thirty (30) days after service hereof, by sending such answers to the following email addresses of Plaintiff's counsel, Gearhart Law: david@gearhartlaw.com and james@gearhartlaw.com.

**Definitions**

As used in these Requests for Admission,

“You” means Defendants, Defendants’ Principals, Defendants’ in house counsel, Mary Kelly, True Pilates Boston, LLC, and any employee of Mary Kelly or True Pilates Boston, LLC

“Defendant’s Counsel” means Gordon Troy, P.C., and any and all of his legal employees or law partners.

“This Case” means the present case, Richtone Design Group LLC v. Mary Sullivan Kelly 7:22-cv-01606-KMK-AEK.

**Requests for Admission**

**Supplemental Request for Admission No. 11:** Admit that there is no allegation of trademark infringement, by You, Defendants, Counter-Plaintiffs, or Third-Party Plaintiffs, in This Case.

**Supplemental Request for Admission No. 12:** Admit that there was no allegation of copyright infringement, by any party, in the case of Pilates, Inc. v. Current Concepts, Inc., 120 F. Supp. 2d 286 (S.D.N.Y. 2000).

**Supplemental Request for Admission No. 13:** Admit that the standards for proving copyright infringement are different from the standards for proving trademark infringement.

**Supplemental Request for Admission No. 14:** Admit that Defendant's Counsel first contacted Christina Maria Gadar with the purpose of eliciting her declaration in This Case.

**Supplemental Request for Admission No. 15:** Admit that Defendant's Counsel first contacted Heather Erdman with the purpose of eliciting her declaration in This Case.

**Supplemental Request for Admission No. 16:** Admit that Defendant's Counsel first contacted Hila Paldi with the purpose of eliciting her declaration in This Case.

**Supplemental Request for Admission No. 17:** Admit that Defendant's Counsel first contacted IC Rapaport with the purpose of eliciting her declaration in This Case.

**Supplemental Request for Admission No. 18:** Admit that Defendant's Counsel first contacted Victoria Batha Cuomo with the purpose of eliciting her declaration in This Case.

**Supplemental Request for Admission No. 19:** Admit that You know of no allegation of copyright infringement that is being made against any of Christina Maria Gadar, Heather Erdman, Hila Paldi, IC Rapaport, and Victoria Batha Cuomo in This Case.

**Supplemental Request for Admission No. 20:** Admit that Defendant's Counsel has never represented Christina Maria Gadar.

**Supplemental Request for Admission No. 21:** Admit that Defendant's Counsel has never represented Heather Erdman.

**Supplemental Request for Admission No. 22:** Admit that Defendant's Counsel has never represented Hila Paldi.

**Supplemental Request for Admission No. 23:** Admit that Defendant's Counsel has never represented IC Rapaport.

**Supplemental Request for Admission No. 24:** Admit that Defendant's Counsel has never represented Victoria Batha Cuomo.

**Supplemental Request for Admission No. 25:** Admit that Mary Kelly is in full or partial control of the Instagram page “pilatestransparencyproject” found at <https://www.instagram.com/pilatestransparencyproject/?hl=en>.

**Supplemental Request for Admission No. 26:** Admit that True Pilates Boston is in full or partial control of the Instagram page “pilatestransparencyproject” found at <https://www.instagram.com/pilatestransparencyproject/?hl=en>.

**Supplemental Request for Admission No. 27:** Admit that Sean Gallagher is not claiming any copyright ownership in photographs taken of Mary Kelly.

Dated: March 17, 2023

For Plaintiff:

/s/ /David Postolski/

David D. Postolski  
Gearhart Law LLC  
41 River Road, Summit, NJ 07901

david@gearhartlaw.com

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 17, 2023, I have caused the foregoing document to be served upon counsel for Defendant as identified below via email at their email addresses below:

Gordon E. R. Troy, Esq.  
Gordon E. R. Troy, PC  
P.O. Box 67  
Windsor, VT 05089  
(802) 881-0640  
gtroy@webtm.com

*Attorneys for Defendants/Counter- Plaintiffs/Third-Party Plaintiffs Mary Kelly and True Pilates  
Boston, LLC*

/s/ /David Postolski/

David D. Postolski  
Gearhart Law LLC  
41 River Road, Summit, NJ 07901

david@gearhartlaw.com

Attorneys for Plaintiff